

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant	: Stefan Kusterer et al.	Conf. No.	: 6169
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Title	: UNIFYING NAVIGATION MODULE		

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Commissioner for Patents

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AMENDED APPEAL BRIEF FILED IN RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF MAILED ON FEBRUARY 5, 2009

Appellant files this Appeal Brief pursuant to 37 C.F.R. § 41.37 in support of an appeal of the final rejection of claims 4-10, 13-18, 21, 25-31, and 34-39 under 35 U.S.C. § 102(b) in the final Office Action of March 18, 2008 and in response to the Notice of Non-Compliant Appeal Brief mailed on February 5, 2009. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-073/2003P00062US01.

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**RESPONSE TO ISSUES RAISED IN NOTICE OF NON-COMPLIANT APPEAL
BRIEF MAILED ON FEBRUARY 5, 2009**

In this Amended Appeal Brief, Appellant has amended Section III to clearly state the status of all claims in the application, including the canceled claims and to clearly state which claims are the subject of the instant Appeal. Appellant has amended Section V so that the subject matter of each independent claim is concisely explained and mapped to the specification by reference to figure, reference, and paragraph numbers where applicable. Appellant has amended Section VI to more clearly state the grounds of appeal as they apply to independent claims 34, 35, and 36 which stand and fall together, to dependent claims 4 and 25 which recite similar subject matter and therefore should stand or fall together, and to dependent claims 8 and 14 which recite similar subject matter and therefore should stand or fall together. The grounds for rejection as stated in Section VI clearly state the claims, statutory basis, and prior art references that are at issue for each ground of Appeal. Section VII presents arguments that are directed to each of these grounds of rejection under a separate heading. Appellant respectfully submits that this Amended Appeal Brief fully complies with all of the requirements for an Appeal Brief set forth in 37 C.F.R. §41.37. If the Office does not agree, the courtesy of a call to the undersigned is respectfully requested to discuss any additional alleged informalities.

I. REAL PARTY IN INTEREST

SAP AG of Wallberg, Germany is the real party in interest as the owner of the above-identified application by virtue of an assignment from the inventors.

II. RELATED APPEALS AND INTERFERENCES

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or Assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Statement of the Status of All Claims. Per the Final Office Action mailed March 18, 2008 in this matter, claims 4-10, 13-18, 21, 25-31, and 34-39 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,643,661 to Polizzi (Hereinafter referred to as "Polizzi").

Claims 1-3, 11, 12, 19, 20, 22-24, 32, and 33 have been previously canceled during prosecution of this matter.

Appealed Claims. Appellant appeals the final rejections of independent claims 34, 35, and 36 as well as the final rejections of the subject matter recited in dependent claims 4 and 25 and dependent claims 8 and 14.

All of the remaining pending dependent claims depend directly or indirectly from one of claims 34-36 and therefore stand or fall with the outcome of the appeal of the independent claims.

IV. STATUS OF AMENDMENTS

All amendments in this matter have been entered. An amendment to correct a typographical error in claim 34 was filed on May 19, 2008 and entered by the Office.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In accordance with 37 C.F.R. § 41.37(v), Appellant provides a brief summary of each independent claim involved in the appeal and each dependent claim argued separately, where each summary refers to the specification by page and line number and to the drawings by reference number. Appellant notes that this "Summary of claimed subject matter" is provided only to assist the Board in identifying portions of the specification related to the particular claims. In the interest of brevity, each claim summary does not necessarily include all references to all relevant portions of the specifications and drawings. Accordingly, omission of any reference to the specification or to the drawings should not be construed in any way as an intent to relinquish claim scope or term, or as an implication or statement regarding the conformance with 35 U.S.C. §112. Appellant respectfully submits that the claims should not be construed as being limited to the embodiments described or referenced in any claim summary, and that other embodiments, as well as the Doctrine of Equivalents, may apply in determining claim scope. Similar terms in the claims as described below described similar structures and/or functions.

Claim 34. Claim 34 is directed to a portal system (an example of which is illustrated in FIG. 2 and also in FIG. 4) that includes an integration layer, a data layer that includes a plurality of application sources that each create an application-specific hierarchy, and a presentation layer. The integration layer includes a navigation service module 220 or 420 that defines a connector interface and that resides on a first programmable machine (i.e. reference number 320 in FIG. 3, also see ¶[0023] for a description of uniting application hierarchies into a single, consistent unified hierarchy in a system in which the application sources are accessed over a network and therefore reside on other programmable machines than the navigation service module 220 or 420). The plurality of application sources 240 (see for example ¶[0032]) reside on one or more additional programmable

machines that are distinct from the first programmable machine 320 and that communicate with the navigation service module 220 or 420 on the first programmable machine (for example 320) over a network. The data layer also includes navigation connectors 230 or 432, 434, 436 (see FIG. 2 or FIG. 4) in an equal number to the plurality of application sources 240. Each of the application sources 240 provides one of the navigation connectors 230 or 432, 434, 436 by implementing, on the one or more additional programmable machines, the connector interface defined by the navigation service module 220 or 420 and by generating one or more navigation nodes (for example reference numbers 222 and 224 in FIG. 2) that represent the data objects in the respective application source (see for example ¶[0032], ¶[0032], and ¶[0048] for further description). The presentation layer (see FIG. 2) also resides on the first programmable machine. As discussed for example at paragraph [0042], the presentation layer is part of the enterprise portal 320 and includes one or more navigation applications that obtain navigation information from the navigation service module 220 or 420. The navigation service module 220 or 420 further unites the navigation nodes provided by the plurality of navigation connectors 230 or 432, 434, 436 (see for example ¶[0033]) to provide a homogeneous view of navigation information from the plurality of application sources 240 or 340 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy (see for example ¶[0034]) that is presented to one or more clients running on one or more client machines 300.

Claim 35. Claim 35 is directed to a method in which one or more navigation applications 210 (see FIG. 2 for example) that reside on a first programmable machine (for example 320 in FIG. 3) in a presentation layer (see FIG. 2) of a navigation model architecture are operated. A navigation service module 220 or 420 residing on the first programmable machine 320 in an integration layer (see FIG. 2) of the navigation model architecture, and a plurality of application sources 240 or 340 residing on one or more additional programmable machines (see for example FIG. 3) in a data layer

of the navigation model architecture are also operated. The one or more additional programmable machines communicate over a network with the navigation service module 220 or 420 on the first programmable machine 320. Each of the application sources 240 or 340 creates an application-specific hierarchy. A connector interface that is defined by the navigation service module 220 or 420 and that causes each of the plurality of application sources to provide one navigation connector 230 or 432, 434, and 436 to the navigation service for each of the plurality of application sources 240 or 340 is implemented on the one or more additional programmable machines. Each navigation connector 230 or 432, 434, and 436 provides one or more navigation nodes 222, 224 that represent data objects in the one of the plurality of application sources 240 that provides the navigation connector 230 or 432, 434, and 436. The navigation nodes 222, 224 are united to provide, via the one or more navigation applications 210, a homogeneous view of navigation information from the plurality of application sources 240 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy.

Independent Claim 36. Claim 36 is directed to an article comprising a machine-readable medium that stores instructions operable to cause one or more machines to perform a number of operations. As in claim 35, one or more navigation applications 210 (see FIG. 2 for example) that reside on a first programmable machine (for example 320 in FIG. 3) in a presentation layer (see FIG. 2) of a navigation model architecture are operated. A navigation service module 220 or 420 residing on the first programmable machine 320 in an integration layer (see FIG. 2) of the navigation model architecture, and a plurality of application sources 240 or 340 residing on one or more additional programmable machines (see for example FIG. 3) in a data layer of the navigation model architecture are also operated. The one or more additional programmable machines communicate over a network with the navigation service module 220 or 420 on the first programmable machine 320. Each of the application sources 240 or 340 creates an application-specific hierarchy. A

connector interface that is defined by the navigation service module 220 or 420 and that causes each of the plurality of application sources to provide one navigation connector 230 or 432, 434, and 436 to the navigation service for each of the plurality of application sources 240 or 340 is implemented on the one or more additional programmable machines. Each navigation connector 230 or 432, 434, and 436 provides one or more navigation nodes 222, 224 that represent data objects in the one of the plurality of application sources 240 that provides the navigation connector 230 or 432, 434, and 436. The navigation nodes 222, 224 are united to provide, via the one or more navigation applications 210, a homogeneous view of navigation information from the plurality of application sources 240 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy.

Dependent Claims 4 and 25. Dependent claim 4 is directed to a method as in claim 35 and further including the limitation that the navigation service accepts one of the plurality of navigation connectors at the navigation service by receiving a registration request from the one of the navigation connectors. Receipt of the registration request by the navigation service results in the navigation service having an identifier for the navigation connector. The connector identifier is included in the navigation nodes . The navigation service receives the navigation information discussed above in claim 35 by receiving the navigation nodes from the navigation connector as defined by the navigation object model. This process is described in greater detail in ¶[0026]. Dependent claim 25 is directed to an article as in claim 36 and further including the limitation that the navigation service accepts one of the plurality of navigation connectors at the navigation service by receiving a registration request from the one of the navigation connectors that causes operations to be performed by a processor. The patentability of claims 4 and 25 should be considered together as they recite similar subject matter.

Dependent Claims 8 and 14. Dependent claim 8 is directed to a method as in claim 35 in

which the uniting of the navigation hierarchies by the navigation service module includes merging at least two navigation objects from the different application sources based on a merge identifier. This process is described in greater detail in ¶[0055], ¶[0056], ¶[0057], and ¶[0058]. Dependent claim 14 is directed to a portal system as in claim 34 that incorporates similar subject matter to claim 8. The patentability of claims 8 and 14 should be considered together as they recite similar subject matter.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant requests that the Board of Patent Appeals and Interferences reviews the following issues on appeal:

A. The rejections under 35 U.S.C. §102(b) of independent claims 34, 35, and 36, as well as claims 4-10, 13-18, 21, 25-31, and 37-39 which each depend from one of the independent claims, as allegedly anticipated by Polizzi are improper because Polizzi fails to disclose at least the following explicitly recited claim limitations, which are present in each of independent claims 34, 35, and 36:

- 1) each application source creating an application-specific hierarchy,
- 2) the application-specific hierarchies being united into a unified, consistent application hierarchy that is presented to one or more clients,
- 3) the navigation connectors each being provided by one of the application sources,
- 4) each navigation connector having a one-to-one relationship with one of the plurality of application sources,
- 5) the navigation service module being distinct from and having different functionality than the connector interface, and
- 6) the integration layer and presentation layer residing on a first programmable machine while the application sources and the navigation connectors that each application source implements residing on one or more other programmable machines.

The patentability of claims 34, 35, and 36 should be considered together as the issues raised in this Appeal apply to all of the independent claims.

B. The rejections of dependent claims 4 and 25 under 35 U.S.C. §102(b) as allegedly anticipated by Polizzi are further also improper for the additional reason that Polizzi does not disclose the

navigation service accepting a navigation connector by receiving a navigation request from the navigation connector.

- C. The rejections of claims 8 and 14 under 35 U.S.C. §102(b) as allegedly anticipated by Polizzi are further also improper for the additional reason that Polizzi does not disclose that the uniting of the navigation hierarchies by the navigation service module includes merging at least two navigation objects from the different application sources based on a merge identifier.

VII. ARGUMENT

Appellant respectfully submits that claims 34, 35, and 36 and all claims that depend therefrom are allowable over the art currently of record in this matter. In the alternative, dependent claims 4 and 25 as well as 8 and 14 are also respectfully submitted to be separately allowable over the prior art of record. The issues presented for review are addressed below.

A. Polizzi fails to disclose each and every element recited in claims 34, 35, and 36 and thus cannot anticipate these claims or any claims that depend therefrom under 35 U.S.C. §102.

Appellant respectfully submits that the Office's allegation that Polizzi anticipates the subject matter recited in claims 34-36 is not supported by the actual disclosure of Polizzi. In contrast to the Office's stated position, Polizzi neither discloses nor suggests several explicit limitations of claims 34-36, including but not necessarily limited to 1) each of the application sources creating an application-specific hierarchy, 2) these application-specific hierarchies being united into a unified, consistent application hierarchy that is presented to one or more clients, 3) the claimed navigation connectors each being provided by one of the application sources, 4) each navigation connector having a one-to-one relationship with one of the plurality of application sources, 5) the navigation service module being distinct from and having different functionality than the connector interface, and 6) the integration layer and presentation layer residing on a first programmable machine while the application sources and the navigation connectors that each application source implements residing on one or more other programmable machines. To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which "each and every element as set forth in the claim is found, either expressly or inherently described." MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.

Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP §2131.01 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejections of claims 34-36 over Polizzi fail to satisfy this burden with regards to the currently pending claims.

1. Polizzi does not disclose “each of the plurality of application sources creating an application-specific hierarchy” as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.

Claims 34, 35, and 36 each explicitly recites that the data layer includes a plurality of application sources and an equal number of navigation connectors. Contrary to the Office’ allegations, Polizzi cannot reasonably be argued to disclose this limitation. In the Final Office Action of March 18, 2008, the Office alleged for claim 34 that col. 14, line 25, col. 5, lines 29-34, and Figures 1 and 2 of Polizzi disclose this limitation. However, a careful examination of the cited passages of Polizzi and Figures 1 and 2 reveals that the actual disclosure of Polizzi is not consistent with the Office’s allegation of anticipation of this claim element.

The text at column 14, line 25 of Polizzi states that “FIG. 4 depicts the hierarchical arrangement of the properties associated with a job,” not an application-specific hierarchy for one of a plurality of application sources that exist in a data layer. The Office cited this passage as allegedly being anticipatory of the limitation “each of the application sources creating an application-specific hierarchy.” However, as noted in the cited text, Fig. 4 deals with a hierarchy of the properties associated with a job that are “stored in a relational database.” In fact, Polizzi makes only two other references besides this one to a “hierarchy” or a “hierarchical arrangement”: in the description of figure 3 showing a “hierarchy of categories and objects residing in the repository” and at col. 5, lines 64-65 in further reference to how objects are stored in the repository 235. Appellant respectfully notes that the repository 235 is part of the portal 120 disclosed by Polizzi and that the Office has

alleged that this repository 235 corresponds to the integration layer recited in the rejected claims (see e.g. bottom of page 13 of the Office Action of March 18, 2008). The instantly claimed application sources are explicitly not part of the integration layer, but are rather in the data layer. As such, the claimed feature of “each of the plurality of application sources creating an application-specific hierarchy” is not disclosed by Polizzi.

2. **Polizzi fails to disclose the presentation of a unified, consistent application hierarchy into which the application-specific hierarchies are united as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.**

Appellant further disputes the Office's allegation at the top of page 15 of the Office Action of March 18, 2008, that Polizzi discloses all of the limitations of claims 34, 35, and 36 that pertain to presentation to one or more client machines of a unified application hierarchy by a presentation layer, and in which the application-specific hierarchies of each of the plurality of application sources are united into the unified application hierarchy by uniting the navigation nodes provided by the navigation connectors. While Polizzi does discuss a “personal dashboard” (see e.g. col. 7, line 65 to col. 8, line 21 and also col. 22, lines 33-64) that presents data to a user through a web client 115, this “personal dashboard” cannot reasonably be construed as equivalent to the “a unified application hierarchy that is presented to one or more clients running on one or more client machines.” Figure 10 of Polizzi is described at the top of col. 8 as follows:

FIG. 10 depicts a representative example of another aspect of the portal system 120 called a portal page 1000. A portal page presents data to a user when he logs into the portal system 120. Because a portal page is presented to a user 100 through the web client 115, the data must be arranged in a format that is readable by a user's browser program. In FIG. 10, a wide variety of data is presented to a user 100 in the form of portal objects. A portal object is a modularized collection of links, graphics, or other data that may be presented to the user in a portal page 1000. The portal objects depicted in FIG. 10 include broadcast messages 1005, a company billboard 1010, a user's customized bookmarks 1015, an exceptions dashboard 1020, and a syndicated content object 1030.

The cited text from column 22 of Polizzi describes similar features of the personal dashboard shown in Figure 10. Appellant respectfully submits that rather than describing presentation of a unified application hierarchy as alleged by the Office, Polizzi in Figure 10 and the accompanying text actually discloses only a portal via which one or more data objects from the underlying databases can be presented or displayed to a user. No unified application hierarchy is ever even discussed or suggested in Polizzi, which therefore cannot serve as the basis for a proper rejection under 35 U.S.C. §102.

3. **Neither the “links” nor the “jobs” of Polizzi anticipate the claimed navigation connectors each of which is provided by one of the application sources as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.**

The Office has incorrectly alleged that Polizzi's descriptions of links and/or jobs anticipates the instantly claimed data layer that includes a plurality of application sources and an equal number of navigation connectors that are provided by the application sources implementing the connector interface defined by the navigation service module. In the Final Office Action of March 18, 2008, the Office alleged for claim 34 that col. 5, lines 50-51, col. 17, lines 24-65, and Figures 2, 3, and 7 of Polizzi disclose this limitation. However, a careful examination of the cited passages of Polizzi and Figures 1 and 2 reveals that the actual disclosure of Polizzi is not consistent with the Office's allegation of anticipation of this claim element. Col. 5, lines 50-51 of Polizzi read as follows:

For example, if the service broker 125 needs to know the location of a specific job server 230, then the name server 225 will provide that information to the service broker 125.

and col. 17, lines 24-65 of Polizzi read as follows:

Each job server 230 is assigned certain properties which are illustrated in FIG. 7. As with all other service agents, each job server 230 is assigned a name, host, database type, and database sever. In addition, each job server 230 is also assigned an

Application 720, a Program 725, a job server Class 730, and a SQR Server 735 if the job server will be used for SQL jobs. The Application 720 is typically a third-party vendor application designed to run in the background. Application examples include Brio Technologies SQR, Oracle Reports, or public domain application shells such as PERL. A Program 725 is typically a source used to drive a specific invocation of an application. For example, a user 100 might submit an SQR program that generates a sales report to an SQR application on a given host through a job server 230. The Job Server Class 730 property identifies what kind of job server is installed and the SQR Server 735 defines what kind of SQR Server is installed (i.e. SQR V4.3 for Sun/Solaris/ORACLE). Each of the Application 720, Program 725, job server 730 and SQR Server 735 properties will have certain sub-properties assigned as well.

The search server 245 is assigned certain properties which are illustrated in FIG. 8. As with all other service agents, the search server 245 is assigned a name, host, database type, and database server. In addition, each job server 230 is also assigned Search Engine Properties 800 and Information Sources 805. The Search Engine Properties 800 describe the operating parameters for the search engine, including a Query Port value, an Index Port value, a Language, an Index Hyphenated Words flag, and Hyphen Character. The Query Port value identifies that port which will handle simultaneous queries from a user. The Index Port value identifies the port which receives indexing requests from the crawl server. The Language specifies the language in which month names and abbreviations of month names appear. The Index Hyphenated Words flag indicates whether the Search Engine indexes a hyphenated word as well as individual words. The Information Sources properties 805 describe the names and properties of each Information Source that has been indexed by the crawl server. Some of the properties include a Name, a Description, a Number of Documents which may be stored in the Information Source, an Expiration Date, and an Expiration Action for the Information Source.

As alleged by the Office at the bottom half of page 14 of the Office Action of March 18, 2008, the links to jobs that are displayed to a user on a portal page in Polizzi are equivalent to the instantly claimed navigation connectors. The Office further alleges that these links or live views are then passed to the job server 230 via the service broker 125 and connection to the underlying databases is handled by the name server 225 which, according to the Office, "functions as a connector interface for connecting the portal elements together..." The instantly claimed navigation connectors perform functions that are neither disclosed nor suggested by Polizzi. First, Polizzi does not disclose that either the links or the jobs described therein are provided by application sources (i.e. backend databases) of a data layer. The links are described by Polizzi as providing calls from a portal page to reports, jobs, or other objects stored in a repository (column 2, lines 41-43). The repository discussed in this passage is the repository 235, which as shown in Figure 2 of Polizzi is

housed in the portal 120 and is thus not an application source in a data layer as instantly claimed. The jobs of Polizzi also cannot anticipate the navigation connectors because a) they are not provided by the application sources but are rather handled by the job server 230 in the portal 120 and housed in the repository 235 (both of which are identified by the Office as being part of the integration layer) and b) jobs are not specific to a given application source but rather are capable of retrieving data from a number of databases 200, 205, 210 as disclosed at column 5, lines 52-55. Polizzi therefore fails to disclose all of the elements of the navigation connectors recited in claims 34-36.

4. **Polizzi fails to disclose that the claimed navigation connectors have a one-to-one relationship with each of the plurality of application sources as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.**

Even assuming *arguendo* that the Office's characterization of Polizzi's links is completely accurate and that these links are functionally equivalent to the instantly claimed navigation connectors, Polizzi nonetheless fails to provide an anticipatory disclosure of there being an equal number of navigation connectors to application sources and that the application sources provide the navigation connectors by implementing the connector interface defined by the navigation service module.

Polizzi provides absolutely no support for the implied allegation by the Office that one navigation connector is provided by each application source. Each link of Polizzi accesses a single report, job or other object stored in the data repository 235. If the links of Polizzi are equivalent to the instantly claimed navigation connectors as alleged by the Office, each link should generate one or more navigation nodes for a single application source (the application source that provides that link/navigation connector) and provide those navigation nodes to the navigation service module. This is clearly not the case as the links are processed by the service broker and then passed to the

job server 230 which can retrieve data from a backend database 200, 2005, 210 as shown in Figure 2 and described at col. 5, lines 53-55 of Polizzi. The entirety of the Polizzi disclosure is based on the system configurations shown in Figures 1 and 2, which each include a main portal server that performs the lookup and data processing functions and that can access a number of backend databases. None of the functionality of the Polizzi portal system is ever disclosed as being implemented in a one-to-one relationship with a single application source as instantly claimed, so Polizzi cannot form the basis for a proper rejection of claims 34-36 under 35 U.S.C. §102.

5 The name server 225 of Polizzi cannot anticipate both the connector interface and the navigation service module as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.

Appellant contests the Office's allegation at the bottom of page 14 of the March 18, 2008 Office Action that the name server 225 shown in Figure 2 can function as a "connector interface." At the top of page 14 of the March 18, 2008 Office Action, the Office previously identified the "name server 225" of Polizzi as being equivalent to the instantly claimed navigation service module. Appellant respectfully submits that the features assigned in the pending claims to the connector interface (which is defined by the navigation service module and provided to the application sources which implement it to provide one navigation connector per application source) and to the navigation serviced module (which defines the connector interface and then receives and unites navigation nodes provided to it by the navigation connector for each application source) cannot both be anticipated by Polizzi's name server 225. First, Polizzi neither discloses nor suggests that the name server 225 is somehow "implemented" on the databases 200, 2005, 210 as would be required if it were truly equivalent to the instantly claimed connector interface. Additionally, the language of the rejected claims also requires that the connector interface be "defined" by the navigation service module. If the name server 225 of Polizzi were actually equivalent to both the

connector interface and the navigation service module as instantly claimed, an internal consistency arises -- Polizzi's name server cannot define itself. As such, Polizzi must fail to disclose at least one of the connector interface or the navigation service module recited in claims 34-36.

6. **Polizzi fails to disclose that the integration layer and presentation layer reside on a first programmable machine and the plurality of application sources AND the navigation connectors by the application sources implementing the defined connector interface reside on one or more additional programmable machines distinct from the first programmable machine as recited in independent claims 34, 35, and 36 and the claims that depend therefrom.**

The subject matter of claims 34, 35, and 36 is clearly differentiated from the disclosure of Polizzi in that the application sources, which reside on one or more additional programmable machines (that are explicitly separate and distinct from the first programmable machine upon which the navigation service module resides) each implement the connector interface to provide one navigation connector. Polizzi does not teach or disclose any aspect of the navigation method or system being implemented on the machines that host the back-end databases 135, 140, 145, and 150 in Figure 1 or 200, 205, and 210 in Figure 2. However, the Office has alleged that, because col. 5 lines 29-34 of Polizzi states that the functional blocks in FIG. 2 "may be implemented on separate computer platforms or on the same computer platform," the Polizzi disclosure can be taken as anticipatory of any possible specific configuration of a claimed computer system or method that accomplishes a similar end result even if the specific configuration and actual operation of the claimed computer system or method differ and are not actually disclosed. This position is clearly in error. Polizzi's generic disclosure that various parts of the system can be implemented on separate computer platforms does not rise the level of detail required under 35 U.S.C. §102 to properly anticipate the claim limitation that the navigation connectors are provided by a connector interface that is implemented on the additional programmable machines that provide the application sources.

For the Office to allege that the functions of Polizzi's job server could be implemented on the machines hosting the individual back-end databases 135, 140, 145, & 150, requires not just an impermissibly expansive reading of Polizzi's disclosure but also a contradiction of the explicit teachings of Polizzi. As an example, Polizzi notes at col. 4 lines 65 to col. 5 line 7 that the portal system 120 serves as a common interface that retrieves data from the back-end databases and then processes the data on the portal system 120. The back end databases are clearly defined as separate from the portal system (e.g. see col. 5 lines 23-24). In light of this disclosure, the statement at the end of the same paragraph regarding implementation of various aspects of the portal system on separate computer platforms is clearly neither anticipatory nor suggestive of any function of the portal system residing on the back-end databases.

For at least these reasons, reversal of the pending rejections under 35 U.S.C. §102 of claims 34-36 and all of the claims that depend therefrom and that therefore include the limitations thereof is respectfully requested.

B Polizzi fails to disclose the navigation service accepting a navigation connector by receiving a request from the navigation connector and thus cannot properly anticipate claims 4 and 25 under 35 U.S.C. §102.

Claims 4 and 25 are patentable based on their dependency from claims 35 and 34, respectively, the allowability of which is argued above. Claims 4 and 25 are further submitted to be independently patentable over Polizzi. The Office has incorrectly alleged that the limitation of claims 4 and 25 pertaining to the navigation service accepting a navigation connector by receiving a navigation request from the navigation connector is anticipated by Polizzi's disclosure of a user defining a link to an application source. Appellant submits that claims 35 and 34, from which claims 4 and 25 depend, clearly require that the navigation connectors are provided to the navigation service module by the connector interface that is implemented on the one or more additional

programmable machines upon which one of the one or more application sources resides. Appellant respectfully submits that Polizzi's alleged disclosure of users defining links to jobs in a job server cannot reasonably be argued to anticipate the method recited in claims 4 and 25. Polizzi fails to even disclose the same operation that is recited in claims 4 and 25, and certainly therefore fails to provide a legitimate basis for a rejection under 35 U.S.C. §102.

C. Polizzi fails to disclose that the uniting of the navigation hierarchies by the navigation service module includes merging at least two navigation objects from the different application sources based on a merge identifier and thus cannot properly anticipate claims 8 and 14 under 35 U.S.C. §102.

Claims 8 and 14 should be held patentable based on their dependency from claims 35 and 34, respectively, the allowability of which is argued above. Claims 8 and 14 are further submitted to be independently patentable over Polizzi because Polizzi does not disclose the merging of two navigation objects from different application sources based on a merge identifier as recited in the rejected claims. The Office has asserted that Polizzi discloses that "the user can merge [an] object onto a display area" (see middle of page 8 of the March 18, 2008 Office Action) at Figure 10 and in column 22.¹ As a first point, the Office does not clearly identify what part of the Polizzi disclosure it intends to correspond to the merge identifier recited in claims 8 and 14. Appellant respectfully submits that Polizzi I fact does not disclose such a limitation. Furthermore, whatever merging of data might occur in the portal page of Polizzi is user-initiated. This directly contradicts the explicit limitations of claims 34 and 35 in which the uniting of the navigation hierarchies is performed by the navigation service module, not by the user. As claims 8 and 14 depend from and include the limitations of claims 35 and 34, respectively, this element cannot be ignored in considering the prior

¹ The Office specifically cites lines 33-36 of column 22 and also includes a generic reference to column 22 as a whole. It is not entirely clear what parts of column 22 are intended to correspond to the various elements of claims 8 and 14.

art. Furthermore, as noted above in regards to the independent claims, Polizzi does not truly disclose or even suggest the uniting of application specific hierarchies from the application sources into a unified, consistent application hierarchy that is presented to clients running on one or more client machines. As such, whether Polizzi does or does not disclose or suggest that a user can merge two data objects in the portal page is not truly dispositive on whether the subject matter of dependent claims 8 and 14 is allowable. Even assuming *arguendo* that the Office's position with regards to the user directing a merge of two data objects is supportable by the Polizzi disclosure, Polizzi still fails to disclose that this process is performed by the navigation service module as apart of the uniting of the application specific navigation hierarchies. As such, Polizzi does not provide an anticipatory disclosure that supports a rejection of claims 8 and 14 under 35 U.S.C. §102.

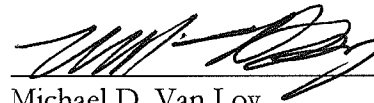
Concluding Comments

On the basis of the foregoing arguments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-073/ 2003P00062US01. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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VIII. CLAIMS APPENDIX: LISTING OF CLAIMS UNDER RULE 41.37(C)1(VIII)

1. (Canceled)
2. (Canceled)
3. (Canceled)
4. (Previously Presented) The method of claim 35, further comprising accepting one of the plurality of navigation connectors at the navigation service by receiving a registration request from the one of the navigation connectors, receipt of the registration request resulting in the navigation service having an identifier for the one of the navigation connectors, and receiving the navigation information by receiving the navigation nodes; from the one of the navigation connectors, as defined by the navigation object model, the received navigation nodes including the connector identifier.
5. (Previously presented) The method of claim 4, further comprising selecting the one of the plurality of navigation connectors to contact based on one of the connector identifiers.
6. (Previously Presented) The method of claim 35, further comprising providing a unified navigation area by displaying a navigation window in a portal presentation, the navigation window including navigation links to resources of the different application sources, the navigation links being organized according to the united navigation hierarchy.
7. (Previously Presented) The method of claim 35, further comprising:
receiving a navigation action; and

changing at least one of the navigation nodes in accordance with the received navigation action.

8. (Previously Presented) The method of claim 35, wherein uniting the navigation hierarchies further comprises merging at least two navigation objects from the different application sources based on a merge identifier.

9. (Original) The method of claim 8, wherein the united navigation hierarchy comprises a graph of linking relationships among navigation objects.

10. (Previously Presented) The method of claim 35, wherein uniting the navigation hierarchies further comprises dynamically loading the united navigation hierarchy.

11. (Canceled)

12. (Canceled)

13. (Previously Presented) The portal system of claim 34, wherein the navigation connectors include connector identifiers that are included in the navigation nodes to provide the navigation information.

14. (Previously Presented) The portal system of claim 34, wherein the navigation connectors generate the navigation nodes according to the navigation object model to provide the navigation information, the navigation nodes including at least one merge identifier that indicates similar content in two navigation nodes from different application sources and that results in a merger of the two navigation nodes.

15. (Previously Presented) The portal system of claim 34, wherein the navigation nodes include a linking relationship to other nodes that are not in a parent child relationship in the homogeneous view of the navigation information.

16. (Previously Presented) The portal system of claim 34, wherein the navigation service module is configured to read data from the different application sources using the navigation connectors but not to write data to the different application sources using the navigation connectors.

17. (Previously Presented) The portal system of claim 34, wherein the navigation service module dynamically loads a united navigation hierarchy when providing the homogeneous view of the navigation information.

18. (Original) The portal system of claim 17, wherein a role editor allows setting a node as a new root of the united navigation hierarchy for display for users that belong to a role.

19. (Canceled)

20. (Canceled)

21. (Previously Presented) The portal system of claim 34, wherein the navigation service module further comprises INavigationService means for abstracting navigation operations, the connector interface comprises INavigationConnector means for plugging an application into the INavigationService means, and the navigation data interface comprises INavigationNode means for accessing navigation information from the different application sources.

22. (Canceled)

23. (Canceled)

24. (Canceled)

25. (Previously Presented) The article of claim 36, further comprising accepting one of the plurality of navigation connectors at the navigation service by receiving a registration request from a the one of the navigation connectors, receipt of the registration request resulting in the navigation service having an identifier for the one of the navigation connectors, and receiving the navigation information by receiving the navigation nodes from the one of the navigation connectors, as defined by the navigation object model, the received navigation nodes including the connector identifier.

26. (Previously Presented) The article of claim 25, wherein the operations further comprise selecting the one of the plurality of navigation connectors to contact based on one of the a connector identifiers.

27. (Previously presented) The article of claim 36, further comprising providing a unified navigation area by displaying a navigation window in a portal presentation, the navigation window including navigation links to resources of the different application sources, the navigation links being organized according to the united navigation hierarchy.

28. (Previously presented) The article of claim 36, wherein the operations further comprise:

receiving a navigation action; and

changing at least one of the navigation nodes in accordance with the received navigation action.

29. (Previously presented) The article of claim 36, wherein uniting the navigation hierarchies further comprises merging at least two navigation objects from the different application sources based on a merge identifier.

30. (Original) The article of claim 29, wherein the united navigation hierarchy comprises a graph of linking relationships among navigation objects.

31. (Previously presented) The article of claim 36, wherein uniting the navigation hierarchies further comprises dynamically loading the united navigation hierarchy.

32. (Canceled)

33. (Canceled)

34. (Previously Presented) A portal system comprising:
an integration layer comprising a navigation service module residing on a first programmable machine, the navigation service module defining a connector interface and;

a data layer comprising a plurality of application sources, each of the application sources creating an application-specific hierarchy, the plurality of application sources residing on one or more additional programmable machines that communicate over a network with the navigation service module on the first programmable machine, and an equal number of navigation connectors to the navigation service, each one of the plurality of application sources providing one of the navigation connectors by implementing the defined connector interface on the one or more additional programmable machines and by generating one or more navigation nodes that represent data objects in the each one of the plurality of application sources; and

a presentation layer that resides on the first programmable machine and that comprises one or more navigation applications that obtain navigation information from the navigation service

module, the navigation service module uniting the navigation nodes provided by the plurality of navigation connectors to provide a homogeneous view of navigation information from the plurality of application sources by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy that is presented to one or more clients running on one or more client machines.

35. (Previously Presented) A method comprising:

operating one or more navigation applications residing on a first programmable machine in a presentation layer of a navigation model architecture, a navigation service module residing on the first programmable machine in an integration layer of the navigation model architecture, and a plurality of application sources residing on one or more additional programmable machines in a data layer of the navigation model architecture, the one or more additional programmable machines communicating over a network with the navigation service module on the first programmable machine, each of the application sources creating an application-specific hierarchy;

implementing a connector interface on the one or more additional programmable machines, the connector interface being defined by the navigation service module and causing each of the plurality of application sources to provide one navigation connector to the navigation service for each of the plurality of application sources, each navigation connector providing one or more navigation nodes that represent data objects in the one of the plurality of application sources that provides the navigation connector; and

uniting the navigation nodes to provide, via the one or more navigation applications, a homogeneous view of navigation information from the plurality of application sources by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy.

36. (Previously Presented) An article comprising a machine-readable medium storing instructions operable to cause one or more machines to perform operations comprising:

operating one or more navigation applications residing on a first programmable machine in a presentation layer of a navigation model architecture, a navigation service module residing on the first programmable machine in an integration layer of the navigation model architecture, and a plurality of application sources residing on one or more additional programmable machines in a data layer of the navigation model architecture, the one or more additional programmable machines communicating over a network with the navigation service module on the first programmable machine, each of the application sources creating an application-specific hierarchy;

implementing a connector interface on the one or more additional programmable machines, the connector interface being defined by the navigation service module and causing each of the plurality of application sources to provide one navigation connector to the navigation service for each of the plurality of application sources, each navigation connector providing one or more navigation nodes that represent data objects in the one of the plurality of application sources that provides the navigation connector; and

uniting the navigation nodes to provide, via the one or more navigation applications, a homogeneous view of navigation information from the plurality of application sources by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy by merging two or more of the navigation nodes from two or more of the application sources that are related to a same issue.

37. (Previously Presented) The portal system of claim 34, wherein one or more of the plurality of application sources are chosen from a group consisting of Web services, an enterprise base system, a human resource management system, a customer relationship management system, a

financial management system, a knowledge management system, a business warehouse system, a time management system, and an electronic file or mail system.

38. (Previously Presented) The method of claim 35, wherein one or more of the plurality of application sources are chosen from a group consisting of Web services, an enterprise base system, a human resource management system, a customer relationship management system, a financial management system, a knowledge management system, a business warehouse system, a time management system, and an electronic file or mail system.

39. (Previously Presented) The article of claim 36, wherein one or more of the plurality of application sources are chosen from a group consisting of Web services, an enterprise base system, a human resource management system, a customer relationship management system, a financial management system, a knowledge management system, a business warehouse system, a time management system, and an electronic file or mail system.

IX. EVIDENCE APPENDIX

No additional evidence is filed with this Appeal Brief.

X. RELATED PROCEEDINGS APPENDIX

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or Assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.